

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -JULY 7, 2009- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 8:09 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore,
Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(09-268) Presentation of Certificates of Service to Toby Berger, Commission on Disability Issues; Randall Miller, Historical Advisory Board; Nancy Gormley, Housing Commission; Margaret McNamara, Planning and Building Board; Ruth Belikove and Dr. Alan Mitchell, Library Board; and John Knox White, Jane Lee and Eric Schatmeier, Transportation Commission.

Mayor Johnson presented Certificates of Service to Toby Berger, Randall Miller, Nancy Gormley, Margaret McNamara, Ruth Belikove, and John Knox White.

Ms. Belikove thanked the Council for the opportunity to serve; stated that she enjoyed serving on the Library Board.

Ms. Berger stated making Alameda accessible to everyone is wonderful; thanked the Council for support.

Mr. Miller stated that serving on the Historical Advisory Board has been a positive experience.

Ms. Gormley stated that she has enjoyed serving on the Housing Commission.

Mr. Knox White stated that working with staff has been wonderful.

Ms. McNamara thanked the Council for support received and opportunity to serve.

Mayor Johnson called a recess at 8:20 p.m. to hold a Special Alameda Reuse and Redevelopment Authority Meeting and reconvened the Regular Meeting at 8:25 p.m.

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CONSENT CALENDAR

Vice Mayor deHaan moved approval of the Consent Calendar.

Councilmember Tam seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*09-269) Minutes of the Special Joint City Council and Public Utilities Board Meeting, and the Regular and Special City Council Meetings held on June 16, 2009. Approved.

(*09-270) Ratified bills in the amount of \$4,484,975.04.

(*09-271) Transmittal of Certificate of Sufficiency of an Initiative Petition Entitled "Fire and Emergency Medical Services Minimum Protection." Transmitted.

(*09-272) Recommendation to Accept the Work of D'Arcy & Harty Construction, Inc., for the Cyclic Sewer Replacement Project, Phase 5, No. P.W. 10-06-22. Accepted.

(*09-273) Resolution No. 14358, "Authorizing the Filing of an Application for Federal American Recovery and Reinvestment Act of 2009 (ARRA) Funding for Certain Streets Rehabilitation, and Stating the Assurance to Complete the Project (Buena Vista Avenue)." Adopted.

(*09-274) Resolution No. 14359, "Approving a Fourth Amendment to the Agreement from the California State Coastal Conservancy to Implement Spartina Eradication and Mitigation Measures and Authorize the Interim City Manager to Execute All Required Documents." Adopted.

(*09-275) Resolution No. 14360, "Requesting and Authorizing the County of Alameda to Levy a Tax on All Real and Personal Property in the City of Alameda as a Voter Approved Levy for the General Obligation Bonds Issued Pursuant to a General Election Held November 7, 2000." Adopted.

CITY MANAGER COMMUNICATIONS

(*09-276) State Budget Update

The Deputy City Manager provided an update.

Mayor Johnson inquired whether an interest rate has been set on

IOU's, to which the Deputy City Manager responded the interest rate has been set at 3.75%.

Mayor Johnson inquired whether the \$26.3 billion [State] deficit is the amount at the end of the current fiscal year.

The Deputy City Manager responded the \$26.3 billion deficit covers an eighteen-month period.

Councilmember Gilmore stated the League of California Cities has been successful in lobbying not to have property taxes taken away; inquired whether anything is fair game now, to which the Deputy City Manager responded in the affirmative.

Councilmember Tam stated that she attended the League of California Cities Policy Committee Meeting; ten mayors from the largest cities in California sent a letter to the Governor stating that they would prefer the State to consider borrowing instead of straight takeaways, such as the gas tax.

The Deputy City Manager stated taking gas tax money would be a problem; the property tax money would be borrowed because of Proposition 1A.

Vice Mayor deHaan stated the State's bond rating is BBB; two more steps down would be considered junk bonds.

Councilmember Gilmore inquired whether there has been any talk regarding some cities potentially going bankrupt.

The Deputy City Manager responded that she has not heard anything; stated a lot of cities have passed a Resolution of Hardship.

Vice Mayor deHaan stated the matter is extremely concerning, particularly with unemployment hitting record highs.

Councilmember Matarrese stated revenue projections need to be addressed; going with prior year plus growth cannot be done anymore; that he is disturbed that five people in the State are running the show.

Councilmember Tam stated Alameda is heavily dependant on property taxes; 90% of State income tax revenue comes from the top 10% income earners; the League of California Cities, California State Association of Counties, and School Board associations are meeting at a summit on July 18; the City is invited to participate.

In response to Mayor's Johnson's request for an update on the

County lifting up the bridges, the Public Works Director stated the County will need to review bridge operations if the gas tax is taken away; the County is compensated by the State for the Harbor Bay Isle Bridge and is compensated by the federal government for the Railroad bridge; the other three bridges are the County's responsibility; the County uses the gas tax to operate the other three bridges; the bridges would need to be left in the up position without the gas tax; the County Public Works Director initially indicated that the bridges would be up at all times, but then stated that the bridges would be up during off-peak hours; at a recent meeting with County officials, Mayor Johnson advised that keeping the bridges in the open position would be unacceptable; the City gave some Measure B money to the County for bridge operation; the County receives approximately \$900,000 per year for bridge operation which could have gone to the City for special projects.

Councilmember Matarrese inquired whether Council authorized allocating said funds for the operation of the bridges; questioned whether the City Engineer would have been authorized to negotiate the matter.

The Public Works Director responded that he does not know; further stated the County Public Works Director drafted a letter requesting that the Army Corps of Engineers consider allowing the bridges to remain down during the late evening and early morning hours; the County thinks that a decision could take twelve months; the federal government would need to approve the requested change in operations; stated Mayor Johnson sent a letter stating that traffic congestion and emergency services would be significantly impacted and could not be mitigated; the County's attorneys are reviewing the matter.

Mayor Johnson stated the Harbor Bay Isle Bridge does not have a bridge tender during the middle of the night; one commercial business needs to have the estuary bridged open; the federal government could save a lot of money by allowing less than twenty-four hour bridge tenders; that she made it very clear that the bridges are the County's responsibility and the City cannot help with additional funding.

Councilmember Gilmore inquired whether the County acknowledged receiving \$900,000 in dedicated funding for bridge operations.

The Public Works Director responded in the negative; stated everyone specified projects to fund when Measure B was reauthorized; a decision was made by an Alameda County Transportation Authority (ACTA) Policy Advisory Committee and projects were selected; the County is contending that the greater

County agree that funding bridge maintenance is important and that the City did not provide any funding; there is no documentation to prove either way.

Vice Mayor deHaan inquired what is the Coast Guard's role in controlling commerce activity during the late hours.

The Public Works Director responded the Coast Guard has a very big voice which is why the County Public Works Director sent a letter; the County is trying to make the point that there are not many calls for bridges to be open in the late evening and early morning hours; the aggregate company had seven late hour bridge openings in May.

Vice Mayor deHaan stated the Coast Guard was brought into the discussion in 1994; the matter needs to be revisited.

Mayor Johnson stated the Coast Guard does not have a lot of discretion regarding waterway access; changes are needed in federal legislation; that she does not have the impression that the County pursued all issues; the County believes one option is to have Alameda pay for part of bridge maintenance and operation; the County does not have detailed information on maintenance and operation costs.

Councilmember Gilmore inquired whether Oakland is being asked to participate in bridge maintenance and operation costs.

Mayor Johnson stated said issue was pointed out at the meeting.

The Public Works Director stated the County feels that the bridges only serve Alameda.

Councilmember Tam stated the County recently adopted a budget with significant cuts; the County is still assuming the gas tax funding will be received from the State.

Councilmember Matarrese inquired whether the current County budget includes operators and bridge tenders, to which the Public Works Director responded in the affirmative.

Mayor Johnson stated the County receives a significant amount of money from the City; Alameda does not receive a lot of direct services from the County; people need to know how much of Alameda's property taxes go to the County; inquired whether specific information can be provided.

The Public Works Director responded that he will work with the

Interim Finance Director; stated the County receives property and gas taxes from the City.

(09-277) Sales Tax Appeal Status Report

The Deputy City Manager provided an update.

(09-278) Other Post Employment Benefits (OPEB) Funding-Status of Validation Suit

The City Attorney provided an update.

REGULAR AGENDA ITEMS

(09-279) Public Hearing to Consider Resolution No. 14361, "Amending Master Fee Resolution No. 12191 to Revise Fees." Adopted.

The Interim Finance Director gave a brief presentation.

Vice Mayor deHaan inquired what is the Consumer Price Index (CPI).

The Interim Finance Director responded the CPI for the San Francisco Bay area is 0.8%; stated the *Engineering News Record's* Construction Cost Index is 6.3%; different indexes are used for different fees.

In response to Mayor Johnson's inquiry, the Interim Finance Director stated the Recreation and Park Department fees are recommended by the Recreation and Park Commission; Affordable Housing Unit fees were not increased because of current economic conditions; ambulance fees are based upon the County's fee schedule.

Mayor Johnson inquired whether permit fees would be affected, to which the Interim Finance Director responded in the affirmative.

Mayor Johnson inquired whether permit fees will be reviewed as a whole at some point; stated some fees look reasonable if isolated, but problematic when combined with other fees required for a project.

The Assistant City Manager responded the last permit fees were set by a 2005 study; stated fees are reviewed continually; fees will be reviewed again during the next fiscal year.

Vice Mayor deHaan stated activity becomes more concerning than anything else; staffing will be determined by fee generation once the Planning and Building Department has its own funding.

The Assistant City Manager stated the City will need to be more nimble than in the past; larger projects tend to subsidize smaller projects; more money is spent on staff effort than what is received in fees; fees may need to be raised for smaller items.

Mayor Johnson stated staff is spending an unjustifiable amount of time on small projects; staff cannot go overboard on small projects.

The Assistant City Manager stated process changes would be reviewed.

Vice Mayor deHaan stated some fees are steep, such as \$676 for a sauna.

The Assistant City Manager stated staff is looking at reducing the amount of regulatory activity.

Vice Mayor deHaan stated current sport fees are \$700; inquired whether the Recreation and Park Department is seeing the same level of activity.

The Recreation and Park Director responded the majority of sport usage has been steady over the last five years; stated most fee increases are tied to balls and official costs; each year fees are reviewed by the Recreation and Park Commission.

Vice Mayor deHaan inquired whether soccer fees recoup costs.

The Recreation and Park Director responded in the affirmative; stated \$35 per hour covers costs; fees have been artificially low, and efforts are being made to incrementally raise fees.

Mayor Johnson inquired what are youth baseball and softball fees.

The Recreation and Park Director responded the sports field use is \$5 per player; stated non-profits have the option to work off the fee through in-kind services or purchasing supplies.

Mayor Johnson stated the City has to be careful not to charge too much; there are no longer park leagues; children could be priced out of private leagues if prices are too high; recreation and sports should not be an elite activity; inquired whether there will be any change in golf rates, to which the Recreation and Park Director responded in the negative.

Councilmember Matarrese requested that both current rates and

previous rates be provided side by side along with the amount of the increase; stated permit fees are not set to make money but ensure that public and private infrastructure remains in tact; people will be encouraged to add things without permits if fees are too high; permits and inspections ensure that things are done properly.

Mayor Johnson stated the three components required for installing a sauna add up to a lot of money; inquired whether total fees have been compared.

The Assistant City Manager responded generally, permits are not out of line with neighboring jurisdictions.

Mayor Johnson inquired whether staff costs are included, to which the Assistant City Manager responded fees are flat costs.

Councilmember Matarrese moved adoption of the resolution.

Vice Mayor deHaan seconded the motion, which carried by unanimous voice vote - 5.

(09-280) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Subsection 3-28.10 (Return on Investment in Enterprise Funds) of Section 3-28 (Payment of Taxes) of Chapter III (Finance and Taxation) to Reduce the Golf Fund's Return on Investment from 1% to 0.43363% for Fiscal Years 2006-07 through 2009-10 and Exempting the Golf Fund's Return on Investment Entirely, Effective Fiscal Year 2010-11. Introduced.

The Assistant City Manager gave a brief presentation.

In response to Vice Mayor deHaan's inquiry, the Assistant City Manager stated that Alameda Municipal Power's (AMP) Return on Investment (ROI) would remain at 1%; stated the Sewer Fund is exempt from ROI.

The Interim Finance Director clarified that AMP's ROI was collected at the reduced 0.43363% rate; stated AMP's ROI would be collected at 1% in Fiscal Year 2009-2010; the City would recover the difference between the 0.43363% and 1% for Fiscal Years 2006-2007 through 2008-2009.

Mayor Johnson stated Council made the decision to reduce the ROI for Golf but the change was not reflected in the ordinance; inquired how the Golf Course is doing.

The Recreation and Park Director responded the Golf Course is doing

well; stated rounds have increased; substantial savings are anticipated; numbers can be presented at the next meeting.

Mayor Johnson inquired whether any formal feedback has been received from golfers.

The Recreation and Park Director responded Kemper Sports is conducting a survey; stated information should be available within a month; informal feedback has been positive.

Mayor Johnson stated the Golf Course condition has improved.

The Recreation and Park Director stated customer service has improved also.

Vice Mayor deHaan stated the Golf Course is in better shape and management has improved.

Mayor Johnson stated maintenance workers are at the Golf Course on weekends.

Councilmember Matarrese inquired whether the Golf Course is running a deficit.

The Recreation and Park Director responded the deficit is not as large as originally anticipated.

Councilmember Matarrese inquired whether Mif Albright numbers can be provided.

The Recreation and Park Director responded in the affirmative; stated numbers have been strong.

Mayor Johnson inquired what is the projected deficit, to which the Recreation and Park Director responded the deficit should be half of what was expected.

Mayor Johnson inquired what was the original projection, to which the Recreation and Park Director responded \$700,000.

Mayor Johnson inquired whether or not theft has occurred.

The Recreation and Park Director responded Kemper Sports has done a good job on inventory control; stated inventory is performed on a regular basis.

Mayor Johnson inquired about past break in issues, to which the Recreation and Park Director responded window break ins have not

occurred.

Councilmember Gilmore stated passes were abused in the past; inquired whether a better tracking system is in place.

The Recreation and Park Director responded tracking is tighter; stated players are being checked.

Councilmember Tam inquired whether the Mif Albright figures would include increased water rates, to which the Recreation and Park Director responded in the negative.

Councilmember Matarrese moved introduction of the ordinance.

Vice Mayor deHaan seconded the motion, which carried by unanimous voice vote - 5.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(09-281) Councilmember Tam reported on two League of California Cities sessions that she attended.

(09-282) Councilmember Matarrese reported on the East Bay Green Corridor Partnership meeting that he attended; stated Alameda is one of seven cities joining the partnership; the major reason for the partnership is to capture money aimed at green businesses; Alameda will be part of the pool which has the ability to capture regional federal dollars as well as private sector grants.

(09-283) Mayor Johnson thanked the 4th of July Parade Committee; stated the day was fun for Alameda.

(09-284) Mayor Johnson stated complaints have been received regarding vehicles parked on streets for a prolonged period of time; inquired whether anything can be done to make enforcement easier for the Police Department.

The Assistant City Manager responded times could be changed to 48 hour restrictions.

Mayor Johnson inquired whether a differentiation can be made regarding vehicle size.

The City Attorney responded the City has an ordinance prohibiting storage of recreational vehicles and boats on City streets; stated the issue is a matter of noticing the violation and enforcement; currently, someone needs to move a vehicle an eighth of a mile after being parked at the same location for seventy-two hours; the distance could be changed to a greater amount.

Mayor Johnson stated the ordinance needs to be tightened so the City is not burdened with preventing people from storing vehicles on the street.

Vice Mayor deHaan stated a lot of resources are being used to play games; fines should be increased for continued violations.

Mayor Johnson stated that people complain about vehicles stored on the streets for months.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 9:41 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JULY 7, 2009- -6:00 P.M.

Mayor Johnson convened the Special Meeting at 6:05 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore,
Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(09-264) Conference with Legal Counsel - Anticipated Litigation;
Significant exposure to litigation pursuant to subdivision (b) of
Section 54956.9; Number of cases: Two.

(09-265) Conference with Real Property Negotiators (54956.8);
Property: 1855 N. Loop Road and 1 Clubhouse Memorial Drive;
Negotiating parties: City Manager and Harbor Bay Isle Associates;
Under negotiation: Price and terms.

Following the Closed Session, the Special Meeting was reconvened
and Mayor Johnson announced that regarding Anticipated Litigation,
Legal Counsel briefed the City Council on two separate matters of
potential litigation and the Council provided direction to Legal
Counsel; regarding Real Property, the item was not heard.

Adjournment

There being no further business, Mayor Johnson adjourned the
Special Meeting at 7:10 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown
Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND
COMMUNITY IMPROVEMENT COMMISSION (CIC) MEETING
TUESDAY- -JULY 7, 2009- -7:27 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 8:00 p.m.

ROLL CALL - Present: Councilmembers/Commissioners deHaan,
Gilmore, Matarrese, Tam, and Mayor/Chair
Johnson - 5.

Absent: None.

MINUTES

(09-266 CC/09-23 CIC) Minutes of the Special Joint CIC and Housing Authority Board of Commissioners Meeting and the Special Joint City Council and Alameda Reuse and Redevelopment Authority and Annual CIC Meeting Held on June 16, 2009. Approved.

Councilmember/Commissioner Matarrese moved approval of the minutes.

Vice Mayor/Commissioner deHaan seconded the motion, which carried by unanimous voice vote - 5.

AGENDA ITEMS

(09-267 CC) Public Hearing to Consider the Community Improvement Commission's Report to the City Council, Recommendations of the Planning Board, Recommendations of the Economic Development Commission, and All Evidence and Testimony for and Against the Proposed Ninth Amendment to the Community Improvement Plan for the Business and Waterfront Improvement Project and the Proposed Seventh Amendment to the Community Improvement Plan for the West End Community Improvement Project; Introduction of Ordinance Amending the Community Improvement Plans for the Business and Waterfront Improvement Project and the West End Community Improvement Project to Make Technical Clarifying Changes; and

(09-24 CIC) Public Hearing to Consider Hearing All Evidence and Testimony for and Against the Adoption of the Proposed Amendment.

Mayor/Chair Johnson announced that redevelopment law requires the hearing to be conducted following certain rules and conducted the hearing accordingly.

Mayor/Chair Johnson opened the public portion of the hearing.

In response to Vice Mayor/Commissioner's deHaan request for
Special Joint Meeting
Alameda City Council and
Community Improvement Commission
July 7, 2009

timeline clarifications, the Development Services Director stated debt timelines and caps remain the same; the West End Community Improvement Project (WECIP) timeline ends 2026; the Business and Waterfront Improvement Project (BWIP) timeline ends 2032.

Councilmember/Commissioner Matarrese moved approval of closing the public portion of the hearing.

Councilmember/Commissioner Tam seconded the motion, which carried by unanimous voice vote - 5.

Councilmember/Commissioner Matarrese moved introduction of the ordinance.

Councilmember/Commissioner Gilmore seconded the motion, which carried by unanimous voice vote - 5.

ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 8:09 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, Community Improvement
Commission

The agenda for this meeting was posted in accordance with the Brown Act.